

**UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

IN RE:

THOMAS F GRIFFIN

**CASE NO.: 20-40360
CHAPTER:13**

Debtor.

OBJECTION TO CHAPTER 13 PLAN

LoanCare, LLC (“Creditor”), by and through the undersigned counsel, objects to the Chapter 13 Plan (“Plan”) [DE # 17] and states:

- 1) Creditor holds a lien on the following property: 1636 Trowbridge Circle, Rockwall, TX 75032 (the “Subject Property”) (Loan No. 7857).
- 2) Creditor filed a Proof of Claim #13-1 (“Claim”). The Claim reflects a total secured amount of \$265,449.01, a total secured arrearage in the amount of \$18,054.89, and an ongoing post-petition payment of \$1,782.75.
- 3) The Plan proposes to make a regular payment of \$1,949.81 and \$8,985.71 in arrearages through the Plan.
- 4) The Plan does not provide for the repayment of the arrearage in accordance with the Creditor’s Proof of Claim.
- 5) The Plan does not provide for the correct creditor name, as the loan was service transferred securing the loan to the Subject Property to LoanCare, LLC not New Rez.
- 6) As such, the Creditor respectfully requests that the Court not confirm any plan until the Debtor files a plan that fully conforms to the filed POC by the Creditor.
- 7) Based upon the foregoing, Creditor objects to the proposed Plan treatment.
- 8) Creditor reserves the right to amend this Objection.

WHEREFORE, **LoanCare, LLC**, respectfully requests that this Honorable Court sustain the objection and deny confirmation of the Plan.

Respectfully submitted,

/s/ Philip S. Traynor

Philip S. Traynor

State Bar No. 24083985

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CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that on this 15th day of April, 2020, I served a copy of the foregoing on the parties listed below via ECF notification, electronic mail, and/or first class mail.

SERVICE LIST

Debtor

Thomas F Griffin
1636 Trowbridge Circle
Rockwall, TX 75032

Gregory W. Mitchell
The Mitchell Law Firm, L.P.
1412 Main Street
Suite 500
Dallas, TX 75202

Trustee

Carey D. Ebert
P. O. Box 941166
Plano, TX 75094-1166

U.S. Trustee

US Trustee
Office of the U.S. Trustee
110 N. College Ave.
Suite 300
Tyler, TX 75702

/s/ Philip S. Traynor
Philip S. Traynor